

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

AT CHARLESTON

ROBERT PEREZ,

Plaintiff,

v.

Civil Action No. 2:16-1606

WEST VIRGINIA-AMERICAN WATER COMPANY,
AMERICAN WATER COMPANY, and EASTMAN
CHEMICAL COMPANY,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the court are Eastman's motion to dismiss (ECF No. 18), filed February 9, 2017, West Virginia-American Water Company's motion to dismiss (ECF No. 26), filed February 27, 2017, and Eastman's motion to consolidate (ECF No. 19), filed February 9, 2017. Both motions to dismiss arise from plaintiff's alleged failure to effect timely service.

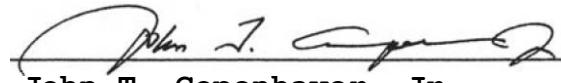
On July 10, 2017 the parties appeared for a hearing on those motions and a status conference before United States Magistrate Judge Dwane L. Tinsley. The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Dwane L. Tinsley, filed on July 11, 2017, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B); and having reviewed the record in this proceeding; and there being no objections filed by any party to the proposed findings and recommendation; and it

appearing that both of the movants have now been properly served, it is ORDERED that the findings and conclusions made in the proposed findings and recommendation of the magistrate judge be, and they hereby are, adopted by the court. It is, therefore, ORDERED that defendants' motions to dismiss (ECF No.'s 18 and 26) be, and they hereby are, denied.

Additionally, because this action stems from the same circumstances alleged in the Good action, and in the interest of judicial economy, the court ORDERS that Eastman's unopposed motion to consolidate (ECF No. 19), in which West Virginia American Water Company joins (ECF No. 30), be, and it hereby is, granted, and this action is for all purposes consolidated with the Good action. Upon consolidation, plaintiff may participate in the pending class action settlement. It is further ORDERED, as requested in the motion to consolidate, that defendants' obligation to respond to the complaint be, and hereby is, stayed pending the completion of the class action settlement process.

The Clerk is directed to forward copies of this written opinion and order to the plaintiff, all counsel of record, and the United States Magistrate Judge.

ENTER: July 31, 2017



John T. Copenhaver, Jr.
United States District Judge